



# NEWS

Judicial Council of California  
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Release Date: February 6, 2001

Release Number: S.C. 05/01

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JANUARY 29, 2001**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-09 Lolley v. Campbell, S093597. (B136276; 84 Cal.App.4th 683.) Petition for review after the Court of Appeal affirmed an order in a civil action. This case concerns whether attorney fees can be awarded under Labor Code section 98.2 when the Labor Commissioner successfully defends a wage claimant on an employer's de novo appeal of a wage ruling in favor of the employee.

#01-10 Sherman Way Townhomes, Inc. v. Superior Court, S094334. (B143003; 85 Cal.App.4th 268.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in Brennan v. Tremco, Inc., S087204 (#00-72), which concerns whether a malicious prosecution action may be based on the prosecution of a meritless claim in private, contractual arbitration when the arbitration agreement does not specifically address whether a subsequent malicious prosecution action is permissible.

### **DISPOSITIONS**

The following cases were dismissed and remanded to the Court of Appeal:

#98-176 Soliz v. Great Western Bank, S074675.

#97-195 Van Dyke v. GTE California, Inc., S065392.